

## **Exhibit C**

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**From:** Olga Vieira <olgavieira@quinnemanuel.com>  
**Sent:** Thursday, January 11, 2024 5:29 PM  
**To:** Paul Farrell Jr.  
**Cc:** Tara MacNeill; Boone, Brian; Harder, Bradley; Springer, Brandon; Eric Lyttle; Chemerinsky, Kim; Jordan, Bill; Cooper, Jonathan; ESI-Opioids; PBM@listserv.motleyrice.com; Sage Vanden Heuvel; McGowan, Emily  
**Subject:** RE: MDL2804: PEC initial discovery requests to th PBMs

**EXTERNAL SENDER – Proceed with caution**

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The Court has not modified the time permitted under the Rules for us to respond and object to your discovery. Again, we are happy to meet and confer on these issues once we have timely responded and objected to your discovery.

**Olga M. Vieira**  
*Partner*  
**Quinn Emanuel Urquhart & Sullivan, LLP**  
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**From:** Paul Farrell Jr. <Paul@FarrellFuller.com>  
**Sent:** Thursday, January 11, 2024 2:29 PM  
**To:** Olga Vieira <olgavieira@quinnemanuel.com>  
**Cc:** Tara MacNeill <taramacneill@quinnemanuel.com>; Boone, Brian <Brian.Boone@alston.com>; Harder, Bradley <Bradley.Harder@alston.com>; Springer, Brandon <Brandon.Springer@alston.com>; Eric Lyttle <ericlyttle@quinnemanuel.com>; Chemerinsky, Kim <Kim.Chemerinsky@alston.com>; Jordan, Bill <Bill.Jordan@alston.com>; Jonathan Cooper <jonathancooper@quinnemanuel.com>; ESI-Opioids <esi-opioids@quinnemanuel.com>; PBM@listserv.motleyrice.com; Sage Vanden Heuvel <sagevandenheuvel@quinnemanuel.com>; McGowan, Emily <Emily.McGowan@alston.com>  
**Subject:** RE: MDL2804: PEC initial discovery requests to th PBMs

[EXTERNAL EMAIL from [paul@farrellfuller.com](mailto:paul@farrellfuller.com)]

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Dear PBM lawyers,

Perhaps we are speaking past one another. We say the *temporal limitation* should reach back to January 1, 1996. If you disagree, then say so. We say the *geographic scope* should be nationwide (unless otherwise stated in the discovery request). If you disagree, then say so. Then, we talk about it. Mayhaps we agree and then move on to the next disagreement. This is the purpose of meeting and conferring! You cannot confer if you

don't meet (reminds me of a Pink Floyd song). As you may recall, and we conveniently have a transcript, the Court expects as much:

THE COURT: Well, that -- look, I'm going to -- we addressed in prior bellwethers, the scope of discovery, and, you know, parties should look at my prior rulings. There're going to be some issues where discovery is going to be potentially nationwide, and others where it's going to be local to the jurisdictions -- you know, the geographic area of each of these four bellwethers. And so we'll have to address that. All right? So we've done that in prior cases, and we'll do that here. Where there's a good reason to make it broader, it will be broader, and when there is not, it won't be. And I'll consider, you know, burden and costs as well. ***So, you know, the parties should be meeting and conferring on that, and ultimately use Special Master Cohen's help. And if there's a serious dispute, I'll have to decide it.***

(Doc #: 5265) (Filed: 12/01/23) (pp. 15-16) (emphasis added).

What say you? Do we need Special Master Cohen's help to set up a meet and confer?

**Paul T. Farrell, Jr.**  
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*"Facts are stubborn things."*

-John Adams  
President of the United States.  
Trial lawyer.

---

**From:** Olga Vieira <[olgavieira@quinnemanuel.com](mailto:olgavieira@quinnemanuel.com)>

**Sent:** Thursday, January 11, 2024 2:55 PM

**To:** Paul Farrell Jr. <[Paul@FarrellFuller.com](mailto:Paul@FarrellFuller.com)>; Sage Vanden Heuvel <[sagevandenheuvel@quinnemanuel.com](mailto:sagevandenheuvel@quinnemanuel.com)>

**Cc:** McGowan, Emily <[Emily.McGowan@alston.com](mailto:Emily.McGowan@alston.com)>; Tara MacNeill <[taramacneill@quinnemanuel.com](mailto:taramacneill@quinnemanuel.com)>; Boone, Brian <[Brian.Boone@alston.com](mailto:Brian.Boone@alston.com)>; Harder, Bradley <[Bradley.Harder@alston.com](mailto:Bradley.Harder@alston.com)>; Springer, Brandon <[Brandon.Springer@alston.com](mailto:Brandon.Springer@alston.com)>; Eric Lyttle <[ericlyttle@quinnemanuel.com](mailto:ericlyttle@quinnemanuel.com)>; Chemerinsky, Kim <[Kim.Chemerinsky@alston.com](mailto:Kim.Chemerinsky@alston.com)>; Jordan, Bill <[Bill.Jordan@alston.com](mailto:Bill.Jordan@alston.com)>; Jonathan Cooper <[jonathancooper@quinnemanuel.com](mailto:jonathancooper@quinnemanuel.com)>; ESI-Opioids <[esi-opioids@quinnemanuel.com](mailto:esi-opioids@quinnemanuel.com)>; [PBM@listserv.motleyrice.com](mailto:PBM@listserv.motleyrice.com)

**Subject:** RE: MDL2804: PEC initial discovery requests to th PBMs

Paul,

We received Plaintiffs' first set of discovery requests on December 29<sup>th</sup>. Under Federal Rules 33 and 34, we have 30 days to respond. We'll be happy to meet and confer with the PEC about any objections after those responses are served.

**Olga M. Vieira**

*Partner*

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**From:** Paul Farrell Jr. <[Paul@FarrellFuller.com](mailto:Paul@FarrellFuller.com)>

**Sent:** Wednesday, January 10, 2024 3:06 PM

**To:** Sage Vanden Heuvel <[sagevandenheuvel@quinnemanuel.com](mailto:sagevandenheuvel@quinnemanuel.com)>

**Cc:** McGowan, Emily <[Emily.McGowan@alston.com](mailto:Emily.McGowan@alston.com)>; Tara MacNeill <[taramacneill@quinnemanuel.com](mailto:taramacneill@quinnemanuel.com)>; Boone, Brian <[Brian.Boone@alston.com](mailto:Brian.Boone@alston.com)>; Harder, Bradley <[Bradley.Harder@alston.com](mailto:Bradley.Harder@alston.com)>; Springer, Brandon <[Brandon.Springer@alston.com](mailto:Brandon.Springer@alston.com)>; Eric Lyttle <[ericlyttle@quinnemanuel.com](mailto:ericlyttle@quinnemanuel.com)>; Chemerinsky, Kim <[Kim.Chemerinsky@alston.com](mailto:Kim.Chemerinsky@alston.com)>; Jordan, Bill <[Bill.Jordan@alston.com](mailto:Bill.Jordan@alston.com)>; Olga Vieira <[olgavieira@quinnemanuel.com](mailto:olgavieira@quinnemanuel.com)>; Jonathan Cooper <[jonathancooper@quinnemanuel.com](mailto:jonathancooper@quinnemanuel.com)>; ESI-Opioids <[esi-opioids@quinnemanuel.com](mailto:esi-opioids@quinnemanuel.com)>; [PBM@listserv.motleyrice.com](mailto:PBM@listserv.motleyrice.com)

**Subject:** RE: MDL2804: PEC initial discovery requests to th PBMs

[EXTERNAL EMAIL from [paul@farrellfuller.com](mailto:paul@farrellfuller.com)]

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Dear PBM lawyers,

Now that you have had the chance to review PLAINTIFFS' COMBINED DISCOVERY REQUESTS TO DEFENDANT PHARMACY BENEFIT MANAGERS (1ST Set) (RELATING TO INITIAL DISCOVERY), we ask that you respond with *temporal and geographic objections* to expedite the meet and confer process. Doing so does not waive any other objection you may lodge when formal responses are due. Thank you.

Paul T. Farrell, Jr.

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*"Facts are stubborn things."*

-John Adams

President of the United States.

Trial lawyer.

**From:** Paul Farrell Jr. <[Paul@FarrellFuller.com](mailto:Paul@FarrellFuller.com)>

**Sent:** Tuesday, January 9, 2024 6:37 PM

**To:** Sage Vanden Heuvel <[sagevandenheuvel@quinnemanuel.com](mailto:sagevandenheuvel@quinnemanuel.com)>

**Cc:** McGowan, Emily <[Emily.McGowan@alston.com](mailto:Emily.McGowan@alston.com)>; Tara MacNeill <[taramacneill@quinnemanuel.com](mailto:taramacneill@quinnemanuel.com)>; Boone, Brian <[Brian.Boone@alston.com](mailto:Brian.Boone@alston.com)>; Harder, Bradley <[Bradley.Harder@alston.com](mailto:Bradley.Harder@alston.com)>; Springer, Brandon <[Brandon.Springer@alston.com](mailto:Brandon.Springer@alston.com)>; Eric Lyttle <[ericlyttle@quinnemanuel.com](mailto:ericlyttle@quinnemanuel.com)>; Chemerinsky, Kim <[Kim.Chemerinsky@alston.com](mailto:Kim.Chemerinsky@alston.com)>; Jordan, Bill <[Bill.Jordan@alston.com](mailto:Bill.Jordan@alston.com)>; Olga Vieira <[olgavieira@quinnemanuel.com](mailto:olgavieira@quinnemanuel.com)>; Jonathan Cooper <[jonathancooper@quinnemanuel.com](mailto:jonathancooper@quinnemanuel.com)>; ESI-Opioids <[esi-opioids@quinnemanuel.com](mailto:esi-opioids@quinnemanuel.com)>; [PBM@listserv.motleyrice.com](mailto:PBM@listserv.motleyrice.com)

**Subject:** Re: MDL2804: PEC initial discovery requests to th PBMs

That was our intention. Makes more sense than sending a RFP which says "produce all documents referenced in ROG [insert #]." We have not gone back and looked but your maths seem right.

Not sure what you mean by "improper." If you mean "not allowed" then we disagree. Perhaps you meant "irregular" instead. We have found that framing discovery requests directed toward certain defendants have been "effective."

Finally, your selective recitation of the CMO implies there exists a finite number of discovery requests allowed. We do not infer the same. In fact, the CMO envisions an initial set of disclosures followed by opportunities for deeper dives. We don't expect you to agree, but thanks for reaching out. We should continue this dialogue.

## **Paul T. Farrell, Jr., Esq.**

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*"Facts are stubborn things."*

-John Adams

President of the United States.

Trial lawyer.

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On Jan 9, 2024, at 4:55 PM, Sage Vanden Heuvel <[sagevandenheuvel@quinnemanuel.com](mailto:sagevandenheuvel@quinnemanuel.com)> wrote:

Counsel,

The initial discovery served by Plaintiffs does not identify which of the 35 requests are interrogatories under FRCP 33 and which are requests for production under FRCP 34. In many instances, the discovery requests improperly contain a combination of both, asking the PBM Defendants to both "identify" certain information and "produce" certain documents. The Case Management Order states that Plaintiffs "may serve up to 45 requests for production and up to 45 interrogatories on each PBM defendant." ECF No. 5282. Plaintiffs' decision to combine the two types of requests into a single set of discovery will result in unnecessary confusion as the parties seek compliance with the Case Management Order's limits on discovery.

The PBM Defendants intend to take the position that each request seeking information (Request Nos. 1-5, 9-11, 14, 16, 18, 20, 22, 24-25, 27-30, 32) counts against Plaintiffs' 45 interrogatories, and each request seeking the production of documents (Request Nos. 1-4, 6-35) counts against Plaintiffs' 45 RFPs. If you disagree, please reissue your initial discovery requests as separate interrogatories and RFPs. This email is not intended to reflect the PBM Defendants' full list of objections to the discovery requests, and we reserve our right to make those objections and seek other relief at the appropriate time.

Best,  
Sage

**Sage R. Vanden Heuvel**

*Of Counsel*

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**From:** Paul Farrell Jr. <[Paul@FarrellFuller.com](mailto:Paul@FarrellFuller.com)>

**Sent:** Friday, December 29, 2023 11:01 AM

**To:** McGowan, Emily <[Emily.McGowan@alston.com](mailto:Emily.McGowan@alston.com)>; Tara MacNeill

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**Cc:** [pbm@listserv.motleyrice.com](mailto:pbm@listserv.motleyrice.com)

**Subject:** MDL2804: PEC initial discovery requests to th PBMs

---

[EXTERNAL EMAIL from [paul@farrellfuller.com](mailto:paul@farrellfuller.com)]

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PBM Defendants,

Please see initial discovery served by the Bellwether Plaintiffs attached.

Please advise if there is anybody else who should receive service.

**Paul T. Farrell, Jr., Esq.**

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*“Facts are stubborn things.”*

-John Adams

President of the United States.

Trial lawyer.

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